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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION

Initial reports of States Parties due in 1992

Addendum

NEPAL

[30 September 1993]

I. GENERAL INFORMATION

1. After the restoration of democracy in 1990, His Majesty's Government of Nepal has highly honoured and valued the human rights issues in Nepal. The Constitution of the Kingdom of Nepal, 1990 has guaranteed the fundamental rights of people including the right to criminal justice. This right has been stipulated under part 2, article 14, sub-article (4) of the Constitution. According to this right, nobody remaining in detention during an investigation, inquiry or prosecution will be subjected to physical or mental torture, and cruel, inhuman or degrading treatment. Again, this constitutional article has further guaranteed the compensation to be paid to those who have suffered unjustly. A Compensation Bill has been tabled at the current session of Parliament. Under this legal framework all kinds of torture and other cruel or inhuman treatment or punishment have been totally prohibited. If such happened, the person concerned would be compensated by law. All acts of torture are to be made punishable by appropriate penalties.

2. Nepal is a party to this Convention.

3. During the reporting period, the Government had envisaged the legal framework against torture and other cruel, inhuman or degrading treatment or punishment.

4. Field or related administrators, officials and police personnel have been indoctrinated, trained or given orientation against torture and other cruel, inhuman or degrading treatment or punishment. Traditional administrative aberrations, widespread illiteracy, widespread lack of awareness, the early stage of the exercise of democracy etc. have become hindering factors and present practical difficulties affecting the degree to which obligations under the Convention can be fulfilled.

II. INFORMATION IN RELATION TO ARTICLES OF THE CONVENTION

5. His Majesty's Government and its administrative organs, central to local levels, have strictly intended to follow the norms against torture and other cruel treatment or punishment. The present situation is immensely reformed, consolidated and improved. Due to the paucity of resources adequate technical skills and physical facilities are lacking, so that works have to be undertaken with outdated equipment.

6. In accordance with article 3, Nepal has given asylum to 100,000 refugees from Bhutan where there are substantial grounds for believing that these refugees would possibly face persecution. These asylum-seekers are not expelled, extradited nor are they forcibly turned back at the border. Hundreds of refugees who claimed to be victims of torture or rape in their own country have been given shelter/asylum in Nepalese territory. Similarly, about 15,000 Tibetan refugees have been receiving shelter inside the Kingdom for many years.

7. In accordance with article 10, Nepal ensures that education, information and guidelines regarding the prohibition against torture are included in the training of law enforcement personnel, civil or police, public officials and other persons who may be involved in the custody, interrogation or treatment of those subjected to any form of arrest, detention or imprisonment. Furthermore, these instructions have been issued by the central authority to district level administrative and police offices.

8. A system of prompt and impartial investigation has been regularized by the Government whenever or wherever there is reasonable ground to believe that an act of torture has been committed at any place. Similarly, if a complaint is received from a person or group, the case is promptly examined through judicial, semi-judicial or administrative panels of inquiry.